

FILED: BRONX COUNTY CLERK 09/15/2020 01:51 PM

NYSCEF DOC. NO. 1

INDEX NO. 30330/2020E

RECEIVED NYSCEF: 09/15/2020

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
TANIYHA S. BROWN,

Plaintiff,

- against -

HIGHWAY TRANSPORT CHEMICAL, LLC and
CHRISTOPH CARDEA,

Defendants.
-----X

SUMMONS

Index No.

Date Purchased:

Plaintiff designates BRONX
County as place of trial.

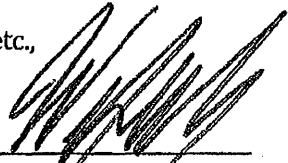
Basis of venue: CPLR §503(a).
169 Stanley Avenue, #2D
Yonkers, N.Y. 10705

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's Attorneys within twenty (20) days of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: September 15, 2020
Brooklyn, N.Y.

Yours, etc.,


BY: William Lawlor, Esq.
BOGORAZ LAW GROUP, P.C.
Attorney for Plaintiff
3820 Nostrand Avenue, Suite 106
Brooklyn, N.Y. 11235
(646) 809-1616
Our File #: 19-2764

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To: HIGHWAY TRANSPORT CHEMICAL, LLC
6420 Baum Dr.
Knoxville, TN 37919

HIGHWAY TRANSPORT CHEMICAL, LLC
1500 Amherst Road
Knoxville, TN 37909

CHRISTOPH CARDEA
15 Railroad Avenue
Roebling, New Jersey 08554

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX-----X
TANIYHA S. BROWN.,

Index No.

Plaintiff,

VERIFIED COMPLAINT

- against -

HIGHWAY TRANSPORT CHEMICAL, LLC and
CHRISTOPH CARDEA,Defendants.
-----X

Plaintiff, TANIYHA S. BROWN., by her attorneys, BOGORAZ LAW GROUP, P.C., complaining of the Defendants herein named, respectfully complains to this Court and alleges as follows:

1. At all times hereinafter mentioned, the Plaintiff, TANIYHA S. BROWN., was, and still is, a resident of Westchester County, State of New York .

2. At all times hereinafter mentioned, the Defendant, HIGHWAY TRANSPORT CHEMICAL, LLC (hereinafter, "CHEMICAL"), was, and still is, a limited liability company created, and duly organized, under the laws of the State of Tennessee.

3. At all times hereinafter mentioned, the Defendant, CHRISTOPH CARDEA, was, and still is, a resident of County of Burlington, State of New Jersey.

4. That on or about July 24, 2019, Defendant CHEMICAL was the registered owner of a 2018 MACK truck bearing Tennessee State license plate number 'T575995.'

5. That on or about July 24, 2019, Defendant CHEMICAL managed, maintained, controlled, and supervised the use and the operation of the 2018 MACK truck bearing Tennessee State license plate number 'T575995.'

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6. That on or about July 24, 2019, Defendant, CHRISTOPH CARDEA, was the operator of the 2018 MACK truck bearing Tennessee State license plate number 'T575995' and had the permission and consent of registered owner to operate said vehicle upon a New York State highway.

7. That on or about July 24, 2019, Defendant, CHRISTOPH CARDEA, was operating the 2018 MACK truck bearing Tennessee State license plate number 'T575995' in the course of his employment with the Defendant HIGHWAY TRANSPORT CHEMICAL, LLC.

8. That on or about July 24, 2019, Defendant, CHRISTOPH CARDEA, was operating the 2018 MACK truck bearing Tennessee State license plate number 'T575995' in the course of his self-employment.

9. On or about July 24, 2019, Plaintiff, TANIYHA S. BROWN., was the owner and operator of her 2015 SONATA motor vehicle bearing Connecticut State plate number 'AT71701.'

10. On or about July 24, 2019, and at all other times herein mentioned, the streets and roads in the area of the Cross Bronx Expressway, in the vicinity of Exits 1C and 1D, located within Bronx County, New York City, New York, was, and still is, a public road, public highway, and public thoroughfare, available for public use and public travel.

11. That on or about July 24, 2019, Defendant, CHRISTOPH CARDEA, was operating the 2018 MACK truck bearing Tennessee State license plate number 'T575995' on the New York State roadway, the Cross Bronx Expressway, located in Bronx County, City and State of New York.

12. That on or about July 24, 2019, Plaintiff, TANIYHA S. BROWN., was operating the 2015 SONATA motor vehicle bearing Connecticut State plate number 'AT71701' on Cross Bronx Expressway, in Bronx County, in the City and State of New York.

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13. On or about July 24, 2019, in the afternoon hours, approximately 2:00 PM, the 2018 MACK truck, bearing Tennessee State license plate number 'T575995,' being operated by Defendant, CHRISTOPH CARDEA, collided into the rear section(s) of the 2015 SONATA motor vehicle bearing Connecticut State plate number 'AT71701,' which was owned and being operated by Plaintiff, TANIYHA S. BROWN, while both vehicles were traveling on the on the Cross Bronx Expressway, in the vicinity of Exits 1C and 1D, in Bronx County, in the City and State of New York.

14. That said motor vehicle accident was due solely and wholly to the negligence, carelessness, and/or recklessness, of the Defendants, in their ownership, operation, maintenance, management, leasing, and/or control of said motor vehicle, all without any fault, nor negligence, nor assumption of risk, nor lack of care, nor of any other culpable conduct on this Plaintiff contributing thereto.

15. That solely as a result of the foregoing motor vehicle accident, dated July 24, 2019, the Plaintiff, TANIYHA S. BROWN., sustained severe and serious personal injuries, and has been caused to suffer severe physical pain and mental anguish as a result thereof. Upon information and belief, some of these injuries are permanent and lasting in their nature. Plaintiff has been rendered sick, sore, lame, and disabled. Plaintiff has been incapacitated from pursuing her usual vocations and avocations; and will, in the future be required to seek, obtain, and undergo hospital care, potential surgical care, medical care, attention, and medical treatment, in an effort to be cured of these physical and mental injuries, and to expend, and become obligated to expend sums of money in connection with the treatment of these injuries.

16. Plaintiff, TANIYHA S. BROWN., is qualified to bring this action under the New York State Insurance Law in that Plaintiff has sustained serious injuries, resulting in:

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significant disfigurement; a permanent loss of use of body organ, member, function, or system; a significant limitation of use of a body organ, member, function, or system; a permanent consequential limitation of use of a body organ, member, function, or system; and, in addition, has sustained other injuries, which may be of a non-permanent nature, but which have prevented Plaintiff from performing substantially all of plaintiff's usual and customary activities for a period of at least 90 days out of the first 180 days following the above-mentioned motor vehicle accident.

17. That Plaintiff, TANIYHA S. BROWN., has sustained serious injuries as defined by § 5102(d) of the Insurance Law of the State of New York; and has suffered losses greater than the basic economic losses, as defined by § 5104 of the Insurance Law of the State of New York.

18. This legal action falls within one or more of the exceptions as set forth in C.P.L.R. § 1602 and each Defendant is potentially liable for the full amount of any Judgment or Award herein made.

19. By reason of the foregoing, plaintiff has been damaged in the sum as encompassed by Statute and by law as set forth in C.P.L.R. § 3017, plus costs and disbursements of this matter, for all damages as encompassed by the statute and by the laws set forth under C.P.L.R. § 3017, with the provision that the amount of damages sought herein exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction herein.

20. This Court has jurisdiction over all Defendants pursuant to New York Vehicle and Traffic Law Section 253.

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ATTORNEY'S VERIFICATION

STATE OF NEW YORK }
 } SS.:
COUNTY OF KINGS }

WILLIAM J. LAWLOR, an attorney duly admitted to the practice of law before the Courts of the State of New York, affirms the following under the penalties of perjury:

I am the attorney of record, for the Plaintiff in the within matter, and make this Verification in accordance with C.P.L.R. § 3020.

I have read the within Summons and Verified Complaint and know the contents thereof to be true to your Affirmant's own knowledge, with the exception of those matters therein stated to be alleged upon information and belief, and as to those matters your Affirmant believes them to be true. The grounds upon which your Affirmant bases his belief regarding those matters not stated upon your Affirmant's knowledge are: conferences with the Plaintiff, records and documents contained in your Affirmant's file. This Verification is made by your Affirmant and not by the Plaintiff for the following reason: Plaintiff does not reside in the same County where your Affirmant maintains the firm's law office.

Dated: September 15, 2020
Brooklyn, New York


WILLIAM J. LAWLOR, ESQ.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

-----X

TANIYA S. BROWN

Plaintiff/Petitioner,

- against -

Index No. 30330/202E

HIGHWAY TRANSPORT CHEMICAL, LLC and
CHRISTOPH CARDEA

Defendant/Respondent.

-----X

**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: 09/15/2020

WILLIAM J. LAWLOR, ESQ.

Name

BOGORAZ LAW GROUP, P.C.

Firm Name

3820 NOSTRAND AVE., SUITE 106

BROOKLYN, NY 11235

Address

646.809.1616

Phone

E-Mail

To: HIGHWAY TRANSPORT CHEM

6420 Baum Drive

Knoxville, TN 37919

6/6/18